

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

**JOHN B. KIMBLE,**

**Plaintiff,**

**v.**

**DEAN WITHERS, et al.,**

**Defendants.**

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**Civil Action No. 5:12cv00110**

**By: Michael F. Urbanski  
United States District Judge**

**ORDER**

For the reasons set forth in the Memorandum Opinion entered this day, the magistrate judge's September 11, 2013 report and recommendation (Dkt. # 27) is **ADOPTED** to the extent it recommends dismissal of plaintiff's claims, plaintiff's claims are **DISMISSED**, and this matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order to plaintiff and to counsel of record.

Entered: November 21, 2013

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge